

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO SENTENCING MINUTE SHEET BEFORE THE HONORABLE JUDITH C. HERRERA							
CR No:	18-3495 JCH		USA vs.	Smith			
Date:	11/10/22		Defendant:	Douglas Smith			
Time In/Out:		1:37 – 2:25		Total Time in Court:		48 minutes	
Clerk:		E. Romero		Court Reporter:		Paul Baca	
AUSA:		Novaline Wilson & Kyle Nayback		Defendant's Counsel:		Aric Elsenheimer & Amanda Lavin	
Sentencing in:		Albuquerque		Probation Officer:		Ana Ortiz y Martinez	
Interpreter:		n/a		Interpreter Sworn?		<input type="checkbox"/>	Choose an item.
Convicted on:		Verdict		As to:	Indictment		Counts:
Guilty Plea:				Plea Agreement:			
Date of Plea/Verdict:		6/18/21	PSR:	Disputed	<input checked="" type="checkbox"/>	Courts adopts PSR Findings	Evidentiary Hrg:
Exceptions to PSR:							
SENTENCE IMPOSED							
IMPRISONMENT (BOP):		27 months					
<input type="checkbox"/>	500-Hour Drug Program		<input type="checkbox"/>	BOP sex-offender treatment program		Other:	
SUPERVISED RELEASE:		2 years				<input checked="" type="checkbox"/>	Mandatory/Standard Conditions
SPECIAL CONDITIONS OF SUPERVISION							
<input type="checkbox"/>	Participate in/successfully complete outpatient substance abuse treatment program & grant waiver of confidentiality			<input checked="" type="checkbox"/>	Submit to substance abuse testing; Testing not to exceed 60 tests per year		
<input checked="" type="checkbox"/>	Submit to search of person/property			<input checked="" type="checkbox"/>	Refrain from use/possession of alcohol/intoxicants; Testing not to exceed 4 per day		
<input checked="" type="checkbox"/>	Not knowingly purchase, possess, distribute, administer, use any psychoactive substances			<input type="checkbox"/>	Must not possess, sell, offer for sale, etc. any drug paraphernalia		
<input type="checkbox"/>	Participate in/successfully complete mental health program & grant waiver of confidentiality			<input type="checkbox"/>	Must take all mental health medications as prescribed		
<input checked="" type="checkbox"/>	Community service: 40 hours			<input checked="" type="checkbox"/>	Must not communicate, or otherwise interact, with victim's family directly or indirectly w/o approval		
<input type="checkbox"/>	Participate in an educational or vocational service program			<input type="checkbox"/>	No contact with codefendant(s)/coconspirator(s) w/o approval		
MONETARY PENALTIES / FORFEITURES							
Fine: \$	-0-	Restitution: \$	-0-	SPA: \$	100.00	Due Immediately	
Forfeit rights title & interest to:							
OTHER							
<input checked="" type="checkbox"/>	Advised of Right to Appeal			<input checked="" type="checkbox"/>	Voluntary Surrender		
<input checked="" type="checkbox"/>	Recommended place(s) of incarceration: Federal Medical Center due to defendant's age and medical issues, specifically: age related supraventricular tachycardia and macular degeneration; Court also recommends BOP place defendant in minimum confinement status; The Court is to be notified if BOP is unable to place deft at a Federal Medical Center.						
<input type="checkbox"/>	Dismissed Counts:						
PROCEEDINGS							
Court in session – parties state appearances; Court states the majority of sentencing has been completed and parties should focus on the issue of the variance request as to age and health; Court outlines records reviewed for sentencing; Mr. Elsenheimer addresses Court for sentencing as instructed; Ms. Wilson responds; Mr. Elsenheimer rebuttal; Court addresses parties, denies request for variance and outlines reasoning; Ms. Wilson has nothing to add; Mr. Elsenheimer objects to the proposed sentence; Court imposes sentence; Defendant to report to the USMS immediately for reporting instructions; Self-surrender is typically within 60 days.							